

**REMARKS**

Claims 1-8 are pending in the above-identified application. Claim 1 is herein amended to correct minor typographical mistakes, *i.e.*, weight to “weigh”. No new matter is entered. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated February 6, 2006.

Claims 1-8 were rejected under 35 U.S.C. §103 as being unpatentable over JP ‘845 (JP 08-226845) in view of *Kopp* (U.S. Pat. No. 3,383,269). Applicants respectfully disagree with the Examiner’s position for at least the following reasons.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Here, the prior art does not suggest the desirability of the combination proposed by the Examiner. One reason that the prior art does not suggest integrating the weighing and packaging mechanisms is that it would produce vibration, *e.g.*, the vibration from the weighing mechanism would reach the packaging mechanism. This problem is discussed, for example, on page 2 of the background section of the above-identified application. Therefore, if one were to integrate the weighing and packaging mechanisms, the intended function of *Kopp* would be destroyed (*e.g.*, packaging mechanism would vibrate.) Thus, the resultant apparatus would also require a means of stopping vibration transmission so as to eliminate interference between the vibrating feeders and propagation of vibration from the vibrating feeders to the packaging mechanism. However, such a modification, which is not proposed, would increase the size of the entire apparatus.

To overcome the problems discussed above, the present invention employs a feed-weighing device as a weighing mechanism for dry ingredients and integrates the weighing

device with the packaging mechanism, the feed-weighing device including downward slanted dispensing pipes that are driven into rotation. A packaging mechanism is also provided on a common frame and a dry-ingredient weighing mechanism having the plurality of the dispensing pipes is provided over the packaging mechanism, thereby downsizing the entire device and saving space. Such arrangement of these mechanisms does not interfere with the operation of the packaging mechanism, for example, because substantially no vibration is caused by the weighing mechanism. For at least the reasons explained above, such a structure is not obvious from the teachings of the cited references.

Also, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. However, the references cited by the Examiner individually and collectively fail to teach or suggest a dispensing chute having an open/close damper formed at the bottom thereof, as recited in claim 1. Accordingly, the Examiner has failed to produce a *prima facie* case of obviousness and the rejection of independent claim 1 should be withdrawn.

Claims 2-8, which depend from claim 1, should also be allowed by nature of dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

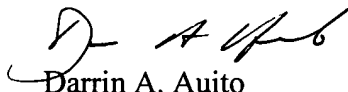
Application No. 10/511,167  
Attorney Docket No. 042865

Amendment under 37 C.F.R. §1.111  
Amendment filed: May 31, 2006

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "Darrin A. Auito", is written over the printed name.

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